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7 SAN BERNARDINO and JUSTIN
LOPEZ

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

12 A.H. and H.H., in each case a minor, by
13 and through their guardian ad litem
14 Crystal Hanson, individually and as
15 successor in interest to Shane Holland,
deceased; C.H., a minor, by and through
her guardian ad litem, Reymi Updike;
individually and as successor in interest
to Shane Holland, deceased, and
16 PATRICIA HOLLAND, individually.

17 || Plaintiffs.

18 | P a g e

19 COUNTY OF SAN BERNARDINO;
20 JUSTIN LOPEZ, and DOES 1-10,
Inclusive.

21 | Defendants.

Case No. 5:23-CV-01028 JGB-SHK

*[Honorable Sunshine Jesus G. Bernal,
Magistrate Judge, Shashi H.
Kewalramani]*

**STATEMENT OF
UNCONTROVERTED FACTS IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Filed concurrently with:

Plea concurrence will:

1. *Notice of Motion and Motion;*
2. *Declaration of Kayleigh Andersen;*
3. *Declaration of Sergeant Anthony Scalise; and*
4. *[Proposed] Order*

Date: September 9, 2024
Time: 9:00 a.m.
Crtrm.: Courtroom 1

Action Filed: 06/02/2023

1 **TO THIS HONORABLE COURT AND THE PARTIES AND THEIR
2 RESPECTIVE COUNSEL OF RECORD:**

3 In accordance with C.D L.R. 56-1 and this Court's Standing Order, defendants
4 County of San Bernardino ("County") and Deputy Justin Lopez ("Deputy Lopez")
5 (collectively "Defendants") submit this Statement of Uncontroverted Facts and
6 Genuine Disputed in support of their Motion for Summary Judgment.

7 **STATEMENT OF UNCONTROVERTED FACTS**

8 Uncontroverted Facts	9 Supporting Evidence
10 1. On June 21, 2022, at approximately 2 a.m., San Bernardino County Sheriff's Department Deputy Justin Lopez (Deputy Lopez) conducted a traffic stop on a silver Ford Explorer in the area of US Route 395 and Cactus Road, in Adelanto.	11 Lopez Depo. (Ex. "A") at 8:22-24, 18:1-5, 13-16; Hillebrand Depo. (Ex. "B") at 10:19-22, 13:2-5; Hanson Interview Audio (Ex. "C") at 9:40-10:00; Hanson Interview Transcript (Ex. "D") at 8:12-14; Rios Depo. (Ex. "G") at 12:2-14.
12 2. Deputy Lopez broadcasted the Explorer did not have license plates, but later stated that the vehicle had an obstructed rear license plate.	13 Lopez Depo. (Ex. "A") at 17:5-19, 20:5-15; Lopez Audio (Ex. "E") at 0:00-0:15; Lopez Audio Transcript (Ex. "F") at 2:1-9.
14 3. Deputy Lopez made contact with the driver, Robert Hanson ("Hanson"), and the passenger who identified himself as Andrew Atkins, later identified by investigators as Shane Holland ("Holland").	15 Lopez Depo. (Ex. "A") at 21:2-19, 23-24, 23:14-16, 68:19-22, 69:1-3; Lopez Audio (Ex. "E") at 1:15-1:58; Lopez Audio Transcript (Ex. "F") at 3:12-4:7; Hanson Interview Audio (Ex. "C") at 10:27-11:25; Hanson Interview Transcript (Ex. "D") at 8:18-24, 19:3.
16 4. Deputy Lopez asked Hanson if he had his license and registration, which Hanson stated he did not.	17 Lopez Depo. (Ex. "A") at 22:11-15; Lopez Audio (Ex. "E") at 0:15-0:50, 1:57-2:05; Lopez Audio Transcript (Ex. "F") at 2:10-23, 4:9-12; Hanson Interview Audio (Ex. "C") at 10:00-10:27; Hanson Interview Transcript (Ex. "D") at 8:12-17.

1	5. Deputy Lopez also asked if either Hanson or Holland was on probation or parole, Hanson stated no.	Lopez Audio (Ex. "E") at 0:15-0:50; Lopez Audio Transcript (Ex. "F") at 2:14-19.
3	6. Holland also told Deputy Lopez that he did not have an ID.	Lopez Depo. (Ex. "A") at 22:16-17; Lopez Audio (Ex. "E") at 1:05-1:18; Lopez Audio Transcript (Ex. "F") at 3:9-13.
5	7. Deputy Lopez advised the subjects he would return to his patrol vehicle to conduct a records check and did so over the radio through dispatch.	Lopez Depo. (Ex. "A") at 26:1-7, 27:14-22; Lopez Audio (Ex. "E") at 2:00-3:30; Lopez Audio Transcript (Ex. "F") at 4:16-24; Hanson Interview Audio (Ex. "C") at 11:00-11:20; Hanson Interview Transcript (Ex. "D") at 9:1-2.
10	8. When Deputy Lopez was at his patrol vehicle, Hanson asked Holland "what are you doing," regarding giving Deputy Lopez somebody else's name.	Hanson Interview Audio (Ex. "C") at 11:20-11:35; Hanson Interview Transcript (Ex. "D") at 9:4-5.
15	9. Holland told Hanson that he had a warrant for his arrest and he was going to be incarcerated for a long time.	Hanson Interview Audio (Ex. "C") at 11:25-12:50; Hanson Interview Transcript (Ex. "D") at 9:6-7, 10, 16- 17, 24-25.
19	10. Holland asked Hanson to "take off" from the traffic stop to distract Deputy Lopez and allow Holland to flee.	Hanson Interview Audio (Ex. "C") at 11:46-12:50; Hanson Interview Transcript (Ex. "D") at 9:11-12.
23	11. Hanson refused to assist Holland and said he was not going to get into trouble for Holland.	Hanson Interview Audio (Ex. "C") at 11:46-12:50; Hanson Interview Transcript (Ex. "D") at 9:13-15, 18-23, 10:1-3.
25	12. Holland chose to run from the passenger side of the vehicle into the desert.	Hanson Interview Audio (Ex. "C") at 12:50-13:22; Hanson Interview Transcript (Ex. "D") at 10:4-14.
27	13. Deputy Lopez saw Holland get out of the vehicle and told him to get back in the vehicle, but Holland started	Lopez Depo. (Ex. "A") at 27:5-10, 28:1-3, 31:2-5, 50:20-23, 25, 51:1; Lopez Audio (Ex. "E") at 3:30-3:35;

1	fleeing from the traffic stop.	Lopez Audio Transcript (Ex. "F") at 4:25.
2	14. Deputy Lopez notified dispatch of the foot pursuit on the radio.	Lopez Depo. (Ex. "A") at 66:15-17; Lopez Audio (Ex. "E") at 3:30-3:40; Lopez Audio Transcript (Ex. "F") at 5:1; Hillebrand Depo. (Ex. "B") at 13:6-10; Rios Depo. (Ex. "G") at 13:14-23, 15:7-14.
3	15. Deputy Lopez began running after Holland, and told Holland to get on the ground.	Lopez Depo. (Ex. "A") at 31:9-10; Lopez Audio (Ex. "E") at 3:30-3:45; Lopez Audio Transcript (Ex. "F") at 5:3.
4	16. Deputy Lopez believed that Holland had something in his waistband, so he commanded Holland multiple times to "Let me see your hands."	Lopez Depo. (Ex. "A") at 28:10-21, 42:6-13; Lopez Audio (Ex. "E") at 3:30-4:50; Lopez Audio Transcript (Ex. "F") at 5:3-14.
5	17. In response, Holland said "I will shoot you" multiple times.	Lopez Depo. (Ex. "A") at 31:22-32:1, 33:22-34:1; Lopez Audio (Ex. "E") at 3:30-4:50; Lopez Audio Transcript (Ex. "F") at 5:15-16.
6	18. Deputy Lopez told Holland to show him his hands a total of 19 times within a period of one minute and nineteen seconds.	Lopez Depo. (Ex. "A") at 42:6-13; Lopez Audio (Ex. "E") at 3:30-4:50; Lopez Audio Transcript (Ex. "F") at 5:4-6:11.
7	19. Holland told Deputy Lopez that he was going to shoot him a total of 10 times during that same period.	Lopez Depo. (Ex. "A") at 16:19-21, 34:2-5, 40:23-41:1; Lopez Audio (Ex. "E") at 3:30-4:50; Lopez Audio Transcript (Ex. "F") at 5:4-6:11.
8	20. Immediately after Holland stated, "I will shoot you" the tenth time, Deputy Lopez fired his weapon six times in quick succession at Holland.	Lopez Depo. (Ex. "A") at 12:25-13:1; Lopez Audio (Ex. "E") at 4:50-4:57; Lopez Audio Transcript (Ex. "F") at 6:11-13.
9	21. After the shooting, Deputy Lopez immediately put out "shots fired" over the radio and requested medical.	Lopez Audio (Ex. "E") at 4:50-5:55; Lopez Audio Transcript (Ex. "F") at 5:4-6:22; Hillebrand Depo. (Ex. "B") at 15:15-21; Rios Depo. (Ex. "G") at 15:18-21, 25:15-18.

1	22. Deputy Kristopher Hillebrand ("Deputy Hillebrand") and Sergeant Mark Rios ("Sergeant Rios") heard the broadcast of the foot pursuit, and "shots fired" and arrived within approximately one minute of the shots fired broadcast.	Hillebrand Depo. (Ex. "B") at 15:11- 14, 22-25; Rios Depo. (Ex. "G") at 15:15-24, 17:23-18:1.
6	23. When Deputy Hillebrand arrived he asked Deputy Lopez where is the gun, and Deputy Lopez replied "I don't know. He said he was going to shoot me."	Lopez Depo. (Ex. "A") at 15:25-16:11, 15-21, 25, 17:1-2, 63:4-17; Lopez Audio (Ex. "E") at 6:10-6:20; Lopez Audio Transcript (Ex. "F") at 6:25-7:4; Hillebrand Depo. (Ex. "B") at 23:8-18, 24:13-19, 25:1-8.
11	24. Deputy Lopez handcuffed Holland and then proceeded to pat down Holland to search him for weapons and check for injuries.	Lopez Depo. (Ex. "A") at 60:3-11, 61:1-11; Hillebrand Depo. (Ex. "B") at 25:20-25, 27:23-28:5.
14	25. After Holland was handcuffed and searched, Deputy Hillebrand called over the radio to notify medical it was clear for them to proceed into the scene.	Hillebrand Depo. (Ex. "B") at 26:1-4.
18	26. When Sergeant Rios arrived, Deputy Lopez asked him to retrieve a medical aid trauma kit from his marked patrol vehicle and Sergeant Rios immediately began to administer medical aid to Holland and requested additional medical assistance.	Lopez Depo. (Ex. "A") at 60:10-11; Lopez Audio (Ex. "E") at 6:25-7:05; Lopez Audio Transcript (Ex. "F") at 7:6-13; Hillebrand Depo. (Ex. "B") at 29:6-13; Rios Depo. (Ex. "G") at 21:13-19, 23:23-24:3, 25:3-10.
24	27. American Medical Response paramedics arrived within approximately five minutes and pronounced Holland deceased.	Hillebrand Depo. (Ex. "B") at 26:14- 21, 28:17-29:5; Rios Depo. (Ex. "G") at 25:11-14, 19-22.
27	28. Deputy Lopez did not identify a gun in Holland's hand prior to the shooting and no gun was collected	Lopez Depo. (Ex. "A") at 14:9-20, 53:24-54:4; Rios Depo. (Ex. "G") at 20:15-24, 21:1.



1	from Holland after the incident	
2	29.However, based on Holland's statement "I will shoot you," and a black object that was in Holland's right hand at waist level, Deputy Lopez reasonably believed that Holland was in possession of a gun.	Lopez Depo. (Ex. "A") at 16:15-21, 39:9-15, 41:22-42:2, 44:10-45:2, 48:15-18, 51:6-11, 16-18, 52:12-20, 55:3-11, 57:14-22.
3	30.Additionally, Deputy Lopez engaged in a foot pursuit because he reasonably believed that Holland was an immediate danger to him as there was no cover because they were in the middle of the dessert and to the public because Holland was running towards a residential neighborhood.	Lopez Depo. (Ex. "A") at 38:21-39:2, 51:6-11, 16-25, 52:1-20, 67:13-25, 68:1-5.
4	31.Lastly, Deputy Lopez did not draw his weapon until after Holland yelled "I will shoot you" and reasonably believed that Holland had a gun based upon the way Holland was holding his waistband.	Lopez Depo. (Ex. "A") at 28:16-21, 37:20-28:2, 7-9, 39:9-15, 42:9-13, 48:15-18.

DATED: August 9, 2024

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By: /s/ *Kayleigh Andersen*

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